

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 FOR THE COUNTY OF YAVAPAI

3
4 STATE OF ARIZONA,)
5 Plaintiff,)
6 vs) Case No V1300CR201080049
7 JAMES ARTHUR RAY,) Court of Appeals
8 Defendant) Case No 1 CA-CR 11-0895
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14 REPORTER'S TRANSCRIPT OF PROCEEDINGS
15 BEFORE THE HONORABLE WARREN R DARROW
16 TRIAL DAY TWENTY-SEVEN
17 APRIL 5, 2011
18 Camp Verde, Arizona
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24 REPORTED BY
25 MINA G HUNT
AZ CR NO 50619
CA CSR NO 8335

1 Proceedings had before the Honorable
2 WARREN R. DARROW, Judge, taken on Tuesday, April 5,
3 2011, at Yavapai County Superior Court,
4 Division Pro Tem B, 2840 North Commonwealth Drive,
5 Camp Verde, Arizona, before Mina G. Hunt, Certified
6 Reporter within and for the State of Arizona.
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1 APPEARANCES OF COUNSEL:

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1 PROCEEDINGS

2 THE COURT: The record will reflect the
3 presence of the defendant, Mr. Ray; his attorneys,
4 Mr. Li, Mr. Kelly, Ms. Do. The state's represented
5 by Ms. Polk and Mr. Hughes.

6 And I want to make very sure that there
7 is only reference to juror number. I'm reminding
8 myself of that. It's an unusual circumstance.

9 But Juror No. 4, are you on the line?

10 JUROR NO. 4: Yes, I am, Your Honor.

11 THE COURT: Okay And you've heard what I
12 said. Please don't use your name. We're going to
13 refer to you by number.

14 I have a couple of preliminary questions.
15 First of all, we're sorry to hear that you're not
16 feeling well. We'll say that. We are in open
17 court. The media is present. There are a number
18 of people in court.

19 And, Juror No. 4, do you have any problem
20 with discussing this issue in this context in this
21 form?

22 JUROR NO. 4: No. I don't have any problem at
23 all.

24 THE COURT: Okay. Then what I wanted to do is
25 talk to you personally rather than hear through

1 people in my office and the commissioner's office.
2 I wanted to hear from you about really your
3 prospects for recovery. Apparently you've had this
4 going around in the family some. And you have some
5 experience with that.

6 But if you could tell us -- and, again,
7 we appreciate your willingness to talk to us when
8 you're obviously not feeling well. But I wanted to
9 get an update from you and when you think you would
10 be available. And then the attorneys. I'd also
11 invite them if they might have some questions for
12 you as well.

13 What can you tell us about that,
14 Juror No. 4?

15 JUROR NO. 4: Okay. Well, started on Friday
16 when I was there actually. It materialized over
17 the weekend. I did get my fever down from 104 all
18 weekend down to almost 102 right now. With my son
19 and my daughters, seemed like it ran five days.
20 And their fever didn't go down until the last day.
21 And today would be the fifth day and starting to
22 come down. I believe today would be the last day.
23 My fever would be gone just like it happened with
24 my son and my daughter.

25 THE COURT: And if I may ask, Juror No. 4,

1 have you been receiving any kind of treatment --
2 antibiotics, any kind of medicine?

3 JUROR NO. 4: The only thing I've been taking
4 is aspirin, Tylenol and Advil.

5 THE COURT: So from your experience in seeing
6 this, apparently the same problem going through
7 other family members, it appears to be five day --
8 roughly a five-day kind of thing?

9 JUROR NO. 4: Correct.

10 THE COURT: And you're currently running a
11 fairly high fever?

12 JUROR NO. 4: It's down to 102 right now,
13 which is a lot better. And it's been slowly going
14 down from 6:00 o'clock this morning down until now.

15 THE COURT: I'm going to ask the attorneys if
16 they want to ask you questions. Or if you'd rather
17 have me ask them, I can to that, if you prefer.

18 If anybody wants any further information.
19 Mr. Hughes?

20 MR. HUGHES: No, Your Honor. Thank you.

21 THE COURT: Mr. Li?

22 MR. LI: No, Your Honor.

23 THE COURT: Okay.

24 Then thank you, Juror No. 4. I'll ask
25 that you stay in contact with the jury

1 commissioner. She'll be in contact with you. And
2 in the event that you are excused from jury
3 service, a part of the admonition is going to
4 continue to apply to you that you not discuss the
5 case with media or with anybody. That part of the
6 admonition about not discussing the case is going
7 to remain in effect. I'm going to -- if I do
8 excuse you, I'm going to make an order to that
9 effect.

10 So please stay in contact with the
11 commissioner. And, again, our appreciation for
12 your willingness to discuss this when you're
13 obviously very uncomfortable.

14 So we will hang up. Thank you, No. 4.

15 JUROR NO. 4: Okay. Thank you.

16 THE COURT: I'd like to hear comments from
17 counsel.

18 Mr. Hughes?

19 MR. HUGHES: Thank you. Your Honor, it sounds
20 like Juror No. 4 believes there is a chance at
21 least that he could be recuperated by tomorrow. In
22 anticipation of a possible break in the trial for a
23 day or so, we've spoken to the defense. The
24 defense had yesterday asked to interview some
25 witnesses that we intend to call this week.

1 If we don't go ahead with trial today,
2 the defense and the state can do those interviews
3 with the witness so we wouldn't be wasting the time
4 of today.

5 I'm hesitant to excuse a juror in early
6 April since we're already down one juror and it
7 seems like there is a cold that's been going around
8 I know in my office. I'm worried that other jurors
9 may not have the same recuperation period that
10 Juror No. 4 does.

11 I think if we can take a one-day break,
12 the parties can work on the case and we can come
13 back tomorrow. If Juror No. 4 is still sick
14 tomorrow, then we may have to excuse him. But it
15 seems to me that he believes that he's in the end
16 stages of this cold or flu or whatever it is.
17 Maybe we can save him as a juror.

18 THE COURT: Mr. Li, are you going to address
19 this?

20 MR. LI: We agree, Your Honor.

21 THE COURT: Okay.

22 I believe this is the eighth week of
23 trial. And when you have a trial last this long,
24 you have these kinds of issues, especially when we
25 started in what would still normally be the flu

1 season.

2 I have expressed concern about the timing
3 of the trial, the pace of the witnesses. And I'm
4 reluctant to lose a day. At the same time, still
5 anticipated there could be several more weeks of
6 trial. We do still have five alternates. If the
7 parties believe, and you avow to me you do, that
8 there are productive things that could be done that
9 would facilitate the pace of the trial, then it
10 would make sense to have this day devoted to that
11 and hope that the juror is able to return.

12 And that's what I'll do based on the
13 proposal of the parties. I will ask the jury
14 commissioner to stress to this juror that all
15 aspects of the admonition continue. I conditioned
16 the juror to receive a possible release.

17 Anything else to discuss?

18 Mr. Hughes?

19 MR. HUGHES: No, Your Honor.

20 THE COURT: Mr. Li?

21 MR. LI: No, Your Honor.

22 THE COURT: Then we will recess. The jury
23 will be instructed to return at 9:15 tomorrow. If
24 there are legal issues, I don't want them to wait
25 until 9:15. I want to take them up no later than

10

1 8:30 tomorrow.

2 We will stand in recess. Thank you.
3 (Recess.)

4 THE COURT: We're on the record now. And
5 State versus James Ray. I don't see the defendant.

6 Mr. Li?

7 MR. LI: Yes. He went back -- he's waiving
8 his appearance.

9 THE COURT: That's all I need to know. He's
10 waiving his appearance.

11 Mr. Li and Ms. Do are present for the
12 defense. The state's represented by Ms. Polk and
13 Mr. Hughes.

14 And I believe I have on the line
15 Ms. Tosca Henry.

16 Is that correct?

17 MS. HENRY: Yes, Your Honor.

18 THE COURT: Oh. You're here. I thought you
19 were calling in.

20 MS. HENRY: No. I prefer to appear in person.

21 THE COURT: That's fine. Thank you.

22 I was just informed by the attorneys
23 briefly that the subject of this hearing, as it
24 turns out to be, has to do with the interview of
25 Mrs. Hamilton and a request that the interview be

1 recorded or not recorded depending on the
2 perspective.

3 And my initial thought is -- interviews
4 pretty much have to be recorded. But I don't want
5 to say any more until I hear the positions of all
6 of the parties and where things stand.

7 So I guess, Mr. Li, you want to interview
8 Ms. Hamilton. So I'll start there.

9 MR. LI: Yes, Your Honor. We'd like to
10 interview Mr. and Mrs. Hamilton. We'd like those
11 interviews to be recorded so that no attorneys
12 become witnesses to the various statements. We
13 believe it's a regular procedure. We are making
14 this request pursuant to the Court's order.

15 I think of Thursday of last week that in
16 light of the recent disclosure relating to certain
17 information that we be permitted to interview both
18 Mr. and Mrs. Hamilton. And so we made that
19 request.

20 THE COURT: I don't have any problem with both
21 Mr. and Mrs. Hamilton. I think it came up
22 primarily with regard to Mr. Hamilton. But I don't
23 know that there's a dispute about that.

24 Mr. Hughes or Ms. Polk, your position
25 before I talk to Ms. Henry.

12

1 MR. HUGHES: Your Honor, I believe that there
2 would be interviews of both of the Hamiltons on
3 this new information. They both would be
4 testifying about the new information. It's the
5 state's belief that the interviews which take
6 place, whether they be recorded or not, they should
7 really be limited to the new issue of this
8 disclosure of the photographs that the Hamiltons
9 took and recently disclosed, which led to the state
10 disclosing that to the defense.

11 So it would be the state's request that
12 the interviews be subject to questions about these
13 photographs and to not going back through the
14 entire scope of the case.

15 Ms. Hamilton was subject to very lengthy
16 cross-examination by the defense. All that's
17 recorded. My understanding, transcript has been
18 prepared of the interview -- excuse me -- of the
19 testimony of Mrs. Hamilton. For whatever reason
20 the defense chose not to interview Mr. Hamilton
21 prior to this.

22 So it would be the state's position that
23 the interviews that the Court is allowing under the
24 Rope decision should be limited to the issues
25 pertaining to the new photographs that they took

1 and have disclosed.

2 MR. LI: Your Honor, just quickly if I may be
3 heard on that. We don't intend to ask questions
4 about everything. We do intend to ask questions
5 about all the materials in the latest disclosure,
6 which is not limited to just photographs. There
7 are additional statements about the use of
8 insecticides and pesticides on the property that
9 were contained in a report that Detective Diskin
10 prepared and that was subsequently disclosed, I
11 believe, on Thursday.

12 So we're not seeking to do the 404(b)
13 hearing all over, but there is new information that
14 we would like to explore with the Hamiltons.

15 THE COURT: I think you're in agreement,
16 Mr. Hughes. It's the latest disclosure. That's
17 what the subject of the interview would be.

18 MR. HUGHES: That's what we would request.
19 The other issues -- you know -- how did the
20 Hamiltons come to know Mr. Ray, what happened at
21 other sweat lodges, then, all that stuff is not
22 subject to what this newest disclosure.

23 As long as the interview is limited to
24 the newest disclosure, the state would be in
25 agreeance (sic) that Mr. and Mrs. Hamilton could be

1 interviewed on that topic.

2 THE COURT: Before I address Ms. Henry, your
3 positions on recording the interviews.

4 Mr. Hughes?

5 MR. HUGHES: Your Honor, it's the state's
6 belief -- we researched and found some cases or a
7 case that leads us to believe that the defense does
8 have a right to record the interview.

9 And I understand and respect that the
10 Hamiltons' attorney has a different opinion on
11 that. Obviously she's here and can give that
12 opinion. In all candor, I have to say every
13 defense interview I think I've ever done,
14 90 percent of them have been recorded. It
15 certainly is the practice in the county to record
16 defense interviews.

17 And in light of the case that I was
18 referring to, which is State ex rel Baumer versus
19 Superior Court, with Marilyn Shoot as the real
20 party in interest -- that's 133 Ariz. 371. It's a
21 supreme court case from 1982.

22 I certainly believe that supports that.
23 But, again, I would -- the state really does not
24 have a horse in that race whether it's recorded or
25 not. That's my opinion of what the case law is.

1 THE COURT: Mr. Li, the defense position on
2 recording?

3 MR. LI: We believe we have a right to record.
4 There is also very practical reasons including we
5 don't want to have attorneys as witnesses in this
6 particular case.

7 THE COURT: Yes. I do want to hear from
8 Ms. Henry. But that's just the way I see it. If
9 it's not recorded, anybody in that room becomes a
10 witness, and it can raise all kinds of issues about
11 who represents who later in trial. Not that it
12 would get to that extent.

13 But those are the kind of considerations
14 that come up. If it's not recorded, people that
15 hear it become witnesses whether they're attorneys
16 or not perhaps.

17 Ms. Henry, you're here representing -- as
18 a representative of the Hamiltons in a civil
19 matter; is that correct?

20 MS. HENRY: That's correct. May I approach?

21 THE COURT: Please. You can have a seat there
22 at counsel table.

23 (Pause in proceedings.)

24 MS. HENRY: Do I need to repeat my appearance?

25 THE COURT: No. And I'm on record with

1 Ms. Henry, representing the Hamiltons in a separate
2 matter, though, but an interest in this case
3 because of the request for interviewing.

4 MS. HENRY: Correct. I do apologize for my
5 disheveled appearance. I would have done something
6 to tame this unruly mop of hair.

7 It's our position -- I'll first address
8 the prosecution's case that they did cite. We did
9 have a chance to review that. However, we do think
10 the situation differs because, as he said,
11 90 percent of the defense interviews in this county
12 are recorded. However, 90 percent of those people
13 that are interviewed do not have hundreds of
14 thousands of dollars of civil liability that is
15 still pending, still open to statute of limitations
16 issues.

17 Also the case that was cited by the
18 prosecution applied in the situation where the
19 involved party did not have a right to an appeal.
20 I'm sorry. I ran out of the office so fast, I did
21 not bring the case with me. But it was a closed
22 matter where she had no right to an appeal. Here
23 there are plenty of appeal rights. So it's a
24 completely different scenario.

25 And, Your Honor, my clients gladly

1 consent and cooperate to be interviewed. They were
2 prepared to come today. We do take issue with the
3 recorded matter. As a practical matter, having the
4 recording, to me, is a lot more damaging than
5 having sworn deposition testimony.

6 So what we are proposing -- yes. I know
7 this is a criminal matter. However, the rules do
8 say -- 15(a).3, I believe -- I also left my rule
9 book in the office -- that the Court may order a
10 deposition if they do believe that a witness is not
11 proffered.

12 We are willing to cooperate. However, it
13 is our position that unsworn, unrecorded,
14 unprepared interview testimony of my clients would
15 be possibly damaging in their civil cases. It's
16 likely given the circumstances that it could be
17 very damaging to them.

18 Also, Your Honor, my clients were called
19 as witnesses months ago. I don't know why these
20 interviews didn't take place sooner. And also
21 Amayra Hamilton was, as raised by the
22 prosecution -- she was subjected to multitudes of
23 questions. And she had -- the defense had an
24 opportunity to cross-examine her.

25 I don't see why she should be

1 submitted -- every time there is some newly
2 disclosed information, why should they have a
3 chance to drag her back into court. She's willing
4 to stand trial. She's been on call for the last
5 two weeks. They've been cancelled and then called
6 and then cancelled. And then now we'll be
7 postponing this again for informal recorded
8 interviews? That's, basically, our position.

9 THE COURT: I want to ask the attorneys to
10 address your position.

11 Mr. LI.

12 MR. LI: Well, the first issue, I suppose, is
13 that the reason why we're asking for this interview
14 now is because the material was disclosed to us, I
15 believe, Thursday last week. So that's the timing
16 of this issue. I suppose counsel has something she
17 would like to say.

18 THE COURT: Okay.

19 MS. HENRY: Your Honor, frankly, with all due
20 respect, I don't see how these photographs are
21 relevant.

22 THE COURT: Well, that would be something I'd
23 have to deal with. You know, in the criminal
24 justice system -- the civil justice system, the
25 question of possible relevance, admissibility.

1 There are different questions. Discovery,
2 disclosure, and then what's ultimately admissible
3 are matters that can get sorted out.

4 But go ahead.

5 MS. HENRY: Your Honor, here we face -- like I
6 said, there is a lot on the line for something that
7 may or may not even be relevant. I understand what
8 you just said. But when you weigh the two, it just
9 seems like it's a lot of unfairness,
10 unreasonableness, to my clients for something that
11 may or may not be important or relevant to this
12 case. That's all.

13 THE COURT: Okay. Thank you, Ms. Henry.
14 Mr. LI.

15 MR. LI: Well, Mr. Ray is on trial in a
16 criminal case where his liberty is at stake. So
17 he's got a lot on the line as well. He has certain
18 constitutional rights which allow him the right to
19 cross-examine and confront witnesses, which we
20 would contend include the ability to understand
21 what their testimony is going to be and do the
22 appropriate interviews.

23 The Hamiltons are the subject of a civil
24 case. I don't think the Court needs me to address
25 this particular topic, but if the Court wants me

1 to, I certainly will.

2 THE COURT: I know the general posture. Some
3 civil lawsuit's being filed.

4 MR. LI: It is my -- I do a lot of cases that
5 have multiple civil, criminal, regulatory,
6 et cetera. That's sort of my bread and butter.
7 And the reality of it is that that's just something
8 that happens.

9 If there is a criminal case and somebody
10 has been called as a witness, they've got to appear
11 and they've got to comply with all of the various
12 rules of criminal procedure and all of the things
13 that the Court can order in a criminal case
14 irrespective of whatever liabilities or potential
15 liabilities they may have civilly,
16 administratively, regulatorywise or anything. And
17 that's because our Constitution guarantees
18 defendants certain rights.

19 So, with all due respect, the Hamiltons
20 need to come, and they need to be interviewed. And
21 they need to have that interview recorded for all
22 of the various reasons we've discussed. It's --
23 that's, basically, the bottom line.

24 THE COURT: Mr. Hughes, did you have anything
25 to add?

1 MR. HUGHES: Your Honor, only as far as the
2 time line regarding these photographs. We believe
3 they were first emailed to the defense on the 22nd
4 or the 23rd of March. A formal disclosure was
5 filed on March 24. And then on March 24 we also
6 filed the Rule 15.6 motion asking this court for
7 leave to use the photographs.

8 So this is information that has been out
9 there now for at least a couple weeks. The defense
10 communicated their request to do these interviews
11 yesterday, I think, around 4:00 to us. So that's
12 why we're bringing this to the Court's attention at
13 this point.

14 MR. LI: Your Honor, just for the record, I
15 believe while the photographs were disclosed, I
16 think -- I'd have to check my records as to the
17 date. But the report -- there is a police report
18 that was authored by Detective Diskin. We did not
19 receive that until the 24th. And the interview, I
20 believe, took place on the 21st.

21 THE COURT: The disclosure has been quite
22 recent. And there was a discussion about having an
23 interview of at least Mrs. Hamilton back some time
24 ago. So I don't see time as a factor in this.

25 The Rule, 15.3, provides that a

1 deposition can be ordered if a person will not
2 cooperate in granting a personal interview. That's
3 15.3(2). I don't know that that's exactly the
4 situation.

5 What it does state, though, to this court
6 is that my authority would be to order a
7 deposition, not order an interview. However,
8 15.3(d), manner of taking, provides that a
9 deposition may be recorded by other than a
10 certified court reporter. Then it talks about
11 providing opposing counsel copies. And that would
12 not be practical under the circumstances here where
13 there is a continuing case that's in trial.

14 15.3(d) also says except as otherwise
15 provided here or by order of the Court, deposition
16 shall be taken in the manner provided in civil
17 actions. That gives the Court authority to make
18 reasonable adjustment to what should be done here.

19 A nonrecorded interview is just not a
20 solution. As I said, that ends up making everybody
21 a witness who is there. I'm going to order -- if
22 it need be a deposition, it will be a deposition.
23 But it can be tape-recorded. It need not be with
24 the expense of a certified court reporter.

25 That may raise some kind of a question

1 about who would administer the oath. The court
2 reporters usually take care of that. If it's going
3 to be done here, a clerk of court or somebody can
4 do it. I would authorize that.

5 I would hope the parties would stipulate
6 that whoever administers the oath would have
7 authority to do that -- excuse me -- in this
8 situation.

9 I have some concern with timing. I think
10 Ms. Henry is expressing this with notice. And if
11 you read 15.3, it talks about -- 15.3(c), providing
12 time. And I think two days is what it says.

13 And this is an unusual situation for me
14 because very seldom is a deposition taken in the
15 criminal justice system. Usually it's done through
16 the interviewing process. And normally if a
17 deposition is ordered, then the person decides to
18 go ahead and just have the interview.

19 But the case is in progress. And I
20 really want to proceed.

21 Ms. Henry, I'm ordering that there be an
22 interview. Well, I'm ordering a deposition. But
23 it can be tape-recorded. If the parties want to go
24 ahead and agree just to go ahead and do an
25 interview, I have no problem with that. Then this

1 order doesn't have to be in place for that.

2 But if you have a specific concern about
3 timing, Ms. Henry, I would like to know about that.
4 You know from this discussion that the scope of the
5 interview is going to be limited. It's going to be
6 to what is quite recent disclosure that's been
7 submitted in the case.

8 So I'd like to hear from you on that if
9 you are concerned just about the short notice.

10 MS. HENRY: Your Honor, I was concerned about
11 the short notice. And also it was not clarified
12 the limited scope of the matter that was to be
13 interviewed. And with that in mind, we may revisit
14 our objections. I would have to consult with my
15 clients. I can't go ahead and say that.

16 We can revisit our objection to the
17 actual deposition if we do have a day or two to
18 prepare a formal recorded interview, as long as
19 it's with the limited scope previously discussed.

20 THE COURT: Counsel --

21 Thank you, Ms. Henry.

22 Counsel, what about timing? I was hoping
23 the interview could proceed.

24 Mr. Hughes.

25 MR. HUGHES: Your Honor, if it simply can't

1 happen this afternoon, I would suggest that we do
 2 the interview or the deposition perhaps at lunch
 3 later this week. Today is Tuesday. Maybe we could
 4 do it tomorrow if Ms. Henry would have time to talk
 5 to her clients. Perhaps we could do it at lunch
 6 tomorrow and try and get the interviews
 7 accomplished during the lunch hour.

8 THE COURT: Okay.

9 Mr. Li.

10 MR. LI: Whenever is convenient.

11 THE COURT: Okay. I'm just thinking it might
 12 be best to set a time right now. And then if there
 13 is going to be an objection, then something can be
 14 filed prior to that.

15 MR. HUGHES: Your Honor, if that is the case,
 16 the state would ask that it be set for tomorrow at
 17 noon.

18 MR. LI: Your Honor, if that's the case, we'd
 19 ask that it be done here so that it's convenient
 20 for all the parties and we could have the witnesses
 21 sworn.

22 THE COURT: Actually, I was looking at
 23 13-4103. That's where the two-day time period
 24 comes up. 13-4103.

25 So what I'm going to do at this time,

1 then, is set the deposition, which can be converted
 2 to an interview, for tomorrow. That would be
 3 April 6, at noon. It will be done somewhere here
 4 in the courthouse.

5 MR. HUGHES: Your Honor, we have some rooms.
 6 We have our little room of -- the court staff has
 7 provided a meeting room. And I think that would be
 8 sufficient size to make it happen tomorrow.

9 THE COURT: Okay.

10 Anything else, then?

11 MS. HENRY: No, Your Honor. Thank you.

12 MR. LI: No, Your Honor. Thanks.

13 THE COURT: We'll be in recess.

14 (The proceedings concluded.)
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1 STATE OF ARIZONA)
 2 COUNTY OF YAVAPAI) ss. REPORTER'S CERTIFICATE

3
 4 I, Mina G. Hunt, do hereby certify that I
 5 am a Certified Reporter within the State of Arizona
 6 and Certified Shorthand Reporter in California

7 I further certify that these proceedings
 8 were taken in shorthand by me at the time and place
 9 herein set forth, and were thereafter reduced to
 10 typewritten form, and that the foregoing
 11 constitutes a true and correct transcript.

12 I further certify that I am not related
 13 to, employed by, nor of counsel for any of the
 14 parties or attorneys herein, nor otherwise
 15 interested in the result of the within action

16 In witness whereof, I have affixed my
 17 signature this 31st day of December, 2011
 18
 19
 20
 21
 22

23 -----
 24 MINA G. HUNT, AZ CR No. 50619
 25 CA CSR No. 8335

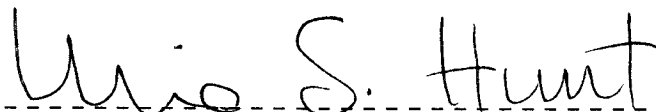
1 STATE OF ARIZONA)
2) ss: REPORTER'S CERTIFICATE
3 COUNTY OF YAVAPAI)
4

5 I, Mina G. Hunt, do hereby certify that I
6 am a Certified Reporter within the State of Arizona
7 and Certified Shorthand Reporter in California.

8 I further certify that these proceedings
9 were taken in shorthand by me at the time and place
10 herein set forth, and were thereafter reduced to
11 typewritten form, and that the foregoing
12 constitutes a true and correct transcript.

13 I further certify that I am not related
14 to, employed by, nor of counsel for any of the
15 parties or attorneys herein, nor otherwise
16 interested in the result of the within action.

17 In witness whereof, I have affixed my
18 signature this 31st day of December, 2011.
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20
21

22 
23 -----

24 MINA G. HUNT, AZ CR No. 50619
25 CA CSR No. 8335